

**CITY OF COPPERAS COVE
CITY COUNCIL SPECIAL MEETING MINUTES
March 31, 2008 – 7:00 P.M.**

A. CALL TO ORDER

City Attorney James R. Thompson announced that in the absence of a Mayor and Mayor Pro Tem that the Council would need to elect a chairperson to conduct the meeting as if he/she were the Mayor, according to Section 2.03 of the City Charter. Mr. Thompson suggested that the Council do this and make it a standing order. Council Member Clayton made a motion to appoint Mark Peterson to chair the council meetings in the absence of the Mayor and Mayor Pro Tem. Council Member Harris seconded the motion, and with a unanimous vote, motion carried.

Chairman Peterson called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Somera gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves (excused absence,
arrived at 8:10 p.m.)
Larry D. Sheppard
Mark Peterson
Charlotte Heinze
Ray Don Clayton
Fred Harris
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager
James R. Thompson, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

E. PUBLIC RECOGNITION

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| <p>1. Certificates of Recognition for "Our Town Copperas Cove" volunteers – Marty Smith, Betty Price, Kelly Dix, Silvia Rhoads, and Monica Hull. Council Member Mark Peterson</p> |
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Chairman Peterson thanked Marty Smith, Betty Price, Kelly Dix, Silvia Rhoads, and Monica Hull for their tireless efforts in organizing, promoting and overseeing the production of "Our Town Copperas Cove," for Channel 10, March 10-14, 2008.

F. CITIZENS' FORUM citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Diane Steele, 905 North 4th Street. Ms. Steele announced to the citizens that the propositions for the proposed Charter amendments were posted in the City's website and make sure and read them over carefully because they were lengthy.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said he wished to speak about signage in the back of the council chambers. The sign contains a statement made by the late Dean Acheson, which Mr. O'Dwyer read aloud. He asked the council to also keep in mind the other signs in the Council Chambers that talk about trustworthiness, respect, and fairness.

Patricia Grigsby, 604 South 25th Street. Ms. Grigsby said that if the City paid the attorney that sat with the Council on May 12, 2008, it was a misuse of funds. She said she wanted to know what was said in the back room because it was an open forum. During one of the breaks, she was in the back and said that the Mayor Pro Tem had some of the evidence and he asked someone to give him three copies of this mess. She said that if she was on trial she wouldn't want her evidence be called a mess.

Council Member Clayton made a motion to remove the Executive Session from the agenda because the City Manager had taken care of it administratively. Council Member Somera seconded the motion. During discussion, Council Member Sheppard asked why it was to be removed and requested it remain on the agenda and held in open session. A vote was taken with the following results:

Larry Sheppard	no
Charlotte Heinze	no
Ray Don Clayton	yes
Fred Harris	no
Frank Somera Jr.	yes

Motion to remove the Executive Session from the agenda failed with a vote of 3-2.

G. CONSENT ITEMS all matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on authorizing the Mayor to issue a drilling permit on the application of Central Basin Oil Investments, Inc. and Halek Energy LLC for Williams #2CB to drill for oil and gas within the corporate limits of the City of Copperas Cove. James R. Thompson, City Attorney

James R. Thompson, City Attorney gave an overview of agenda item I-1. He said everyone was given a new plat and that the original plat set out that the proposed drilling site was 150 feet from a property line of a lot. He discussed this issue with the drilling company and advised them that the well had to be drilled 300 feet from a dwelling. There was no dwelling there within 300 feet, however, Central Basin agreed that they

would move 300 feet inside of their own property. So they are not within 300 feet of a property line, much less a structure. All other requirements have been met for this permit.

Council Member Sheppard stated that the Council has received a complaint regarding this permit. Chairman Peterson said that a motion was in order so that it could be opened up for discussion. The item died for lack of a motion. No action was taken.

2. Presentation of Fiscal Year 2007 Comprehensive Annual Financial Report. **Wanda Bunting, Director of Financial Services**

Wanda Bunting, Director of Financial Services, gave an overview of agenda item I-2. Michael Firth of Lott Vernon & Company presented a short summary of the audit to the Council.

Council Member Clayton made a motion to accept the Fiscal Year 2007 Comprehensive Annual Financial Report. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

Chairman Peterson said that he would like to back up to item I-1 and allow Raiford Williams of 3011 Grimes Crossing Road to speak. Mr. Williams said that the request for a drilling permit is for his property. He said that Central Basin and Halek Energy had five representatives at the meeting to answer questions. Since Attorney Thompson stated that they met and exceeded all the requirements for the permit, he requested that the Council bring it up and take action on it, even if they vote it down. City Attorney Thompson said that the Council cannot take any action tonight. He suggested that the Council request a workshop on this item.

Roger O'Dwyer, 1703 Highland Drive. Mr. O'Dwyer said he supported Mr. Williams application for a drilling permit saying that it would bring money into the city. He said that the last time a drilling permit came before the Council, it was undecided as to who would check to ensure compliance with the Homeland Security regulations and NIMS forms. He asked who had been given that task.

3. Consideration and action on Resolution No. 2008-08, amending Resolution No. 2008-02, which ordered a general election to be held on May 10, 2008 and, if necessary, a runoff election to be held on June 7, 2008. **Jane Lees, City Secretary**

Jane Lees, City Secretary, gave an overview of agenda item I-3.

Council Member Somera made a motion to approve agenda item I-3. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption is as follows:

RESOLUTION NO. 2008-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING RESOLUTION NO. 2008-02, WHICH ORDERED A GENERAL

ELECTION TO BE HELD ON MAY 10, 2008 AND, IF NECESSARY, A RUNOFF ELECTION TO BE HELD ON JUNE 7, 2008.

J. STAFF REPORTS – None.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

Council Member Heinze requested a workshop to discuss oil and gas drilling within city limits. Council Members Clayton and Harris agreed but asked that noise issues be included in the discussion.

The Council took a break at 7:53 p.m. and reconvened at 8:01 p.m.

M. EXECUTIVE SESSION

1. Pursuant to §551.074 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the duties and responsibilities of the City Council Member Place 2.

Council Member Sheppard requested that item M-1 be discussed in open session. Chairman Peterson announced at 8:25 p.m. that Executive Session was concluded.

N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

Chairman Peterson announced that there was no action to be taken as a result of the Executive Session.

O. ADJOURNMENT

There being no further business, Chairman Peterson adjourned the meeting at 8:25 p.m.

Robert L. Reeves, Mayor Pro Tem

ATTEST:

Jane Lees, City Secretary